

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

REVEREND WESLEY CARROLL,
Plaintiffs,

v.

PROTHONOTARY, OFFICE OF THE
PROTHONOTARY, COURT OF COMMON
PLEAS OF ALLEGHENY COUNTY,
Defendants.

08cv1683

ELECTRONICALLY FILED

ORDER OF COURT

AND NOW, this 31st day of December, 2008, after careful consideration of the Report and Recommendation (doc. no. 2) of United States Magistrate Judge Amy Reynolds Hay, and in light of plaintiff's failure to file objections on or before December 29, 2008, as required by the Report and Recommendation, the Court agrees with the Magistrate Judge that plaintiff has accumulated at least "three strikes" within the contemplation of 28 U.S.C. § 1915(g) and has not alleged that he is under imminent danger of serious physical injury, and therefore adopts the Report and Recommendation of the Magistrate Judge as the decision of the Court.

Accordingly, plaintiff's Motion for Leave to Proceed in Forma Pauperis (doc. no. 1) is HEREBY DENIED, and plaintiff's complaint is DISMISSED without prejudice to be re-filed after payment of the filing fees. Furthermore, the Court certifies, pursuant to 28 U.S.C. Section 1915(a)(3), that any appeal from this order would not be taken in good faith.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

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